

# EXHIBIT U

# Attorney General Mark Brnovich Achieves Historic \$85 Million Settlement with Google

*Tuesday, October 4, 2022*

**PHOENIX** – Attorney General Mark Brnovich announced a historic \$85 million settlement with Google LLC for deceptively obtaining users' location data to make billions of dollars in profit. This is one of the biggest consumer fraud lawsuits in Arizona history, and the settlement represents the largest amount per capita the internet giant has paid in a privacy and consumer-fraud lawsuit of this kind.

*"When I was elected attorney general, I promised Arizonans I would fight for them and hold everyone, including corporations like Google, accountable," said Arizona Attorney General Mark Brnovich. "I am proud of this historic settlement that proves no entity, not even big tech companies, is above the law."*

The \$85 million settlement directs the bulk of the money to the general fund and it will require legislative appropriation before it can be spent. Additionally, \$5 million is specifically directed for attorney general education programs.

General Brnovich began an investigation of Google after a 2018 Associated Press article (<https://apnews.com/article/north-america-science-technology-business-ap-top-news-828aefab64d4411bac257a07c1af0ecb>) revealed that the company was misleading and deceiving consumers about the collection and use of their personal location data by tracking smartphones even when consumers disabled the "Location History" setting. General Brnovich sued Google in May 2020 (<https://www.azag.gov/press-release/attorney-general-mark-brnovich-files-lawsuit-against-google-over-deceptive-and-unfair>), becoming the first attorney general in the country to hold the tech giant accountable in state court for deceiving consumers through so-called "dark patterns" that were built into its software, including apps and Android phones. Dark patterns are coercive design tactics used to manipulate users' behavior.

In his lawsuit, General Brnovich alleged that Google engaged in deceptive and unfair practices toward users by tracking their location data even when the company was told to stop. When users turned off their Location History in settings, Google continued to surreptitiously collect their location through other settings such as Web & App Activity and the company used that information to sell ads. The software is pre-programmed into Android phones purchased by consumers.

Google derives the vast majority of its profit by selling advertisements that are displayed to users of its products and services. In 2019, more than 80% of Google's revenues—\$135 billion of its \$161 billion total—were generated through advertising. The company collects detailed information about its users, including their physical locations, to target them in specific geographic locations. This is regularly done without the users' knowledge or consent.

Joseph A. Kanefield, Brunn (Beau) Roysden, and Michael S. Catlett handled the case for the Arizona Attorney General's Office.

Outside counsel for the State of Arizona is Kevin Neal and Ken Ralston of Gallagher & Kennedy and Guy Ruttenberg and Mike Eshaghian of Ruttenberg IP Law. The parties used the services of Judge Jay C. Gandhi (Ret.) of JAMS Mediation.

Settlement here ([https://mcusercontent.com/cc1fad182b6d6f8b1e352e206/files/2e25a018-700a-8ca9-0a1b-67db7d2626aa/AZ\\_v\\_Google\\_Settlement\\_Agreement.pdf](https://mcusercontent.com/cc1fad182b6d6f8b1e352e206/files/2e25a018-700a-8ca9-0a1b-67db7d2626aa/AZ_v_Google_Settlement_Agreement.pdf)).

Notice of settlement here. ([https://mcusercontent.com/cc1fad182b6d6f8b1e352e206/files/839bf72-506e-04fb-90de-3d126b66b54c/State\\_v\\_Google\\_Notice\\_of\\_Settlement\\_FINAL.pdf](https://mcusercontent.com/cc1fad182b6d6f8b1e352e206/files/839bf72-506e-04fb-90de-3d126b66b54c/State_v_Google_Notice_of_Settlement_FINAL.pdf))

## PRESS CONTACT

### **Richie Taylor**

*Communications Director*

2005 N Central Ave.

Phoenix, AZ 85004

**Richie.Taylor@azag.gov** (mailto:Richie.taylor@azag.gov)

**MediaRequests@azag.gov** (mailto:MediaRequests@azag.gov)

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